IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 757 of 1999

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 28/4/1999 in WP NO : 9062/1999 on the file of the High Court.)

Between:

B.Venkataramaiah,

S/o Late Balaiah, aged 44 years, Technician,

Sri Sarvodaya College, Nellore.

..... APPELLANT

AND

1. State of Andhra Pradesh, represented by its Principal Secretary, Education Department, Hyderabad.
2. Commissioner of Collegiate Education, Government of Andhra Pradesh, Nampally, Hyderabad.
3. Sri Sarvodaya College, represented by its correspondent, Nellore.

.....RESPONDENTS

Counsel for the Appellant: Sri V.Jogayya Sarma
Counsel for the Respondents 1 & 2: G.P. for Education.
For R-3 : None appeared.
The Court made the following :

TMK,J & SAR,J

W.A.NO.757 OF 1999

J U D G M E N T (Per TMK,J)

Heard both the counsel.

2 . Aggrieved by the order of the learned single Judge in W.P.NO.9062/1999 dated 28.4.1999 in dismissing the writ petition at admission stage by giving liberty to the appellant to avail the remedy of appeal under Section 80 of the A.P. Education Act, 1982, the present writ appeal is filed.

3. The learned counsel for the appellant contended that the appellant has been temporarily appointed as a Technician in the year 1984 and his services were continued by the Management up to 30.4.1999 and, therefore, having served for more than fifteen years, he is entitled for regularization.

4. On the other hand the learned Government Pleader for Education

supporting the impugned order submitted that the appointment of the appellant was purely on temporary basis in an unaided post and, therefore, he is not entitled for any regularization.

5. From the appointment order of the appellant dated 18.12.1984 in Rc.No.332-PCI/84-85 it could be seen that the appointment of the appellant as Technician in the Department of Physics was purely on temporary basis and subject to sanction of the post and approval of the appointment by the Government. Further, through proceedings issued by the 3rd respondent – College in Rc.No.393/96 dated --.02.1999 the appellant was permitted to continue in un-aided post up to 30.4.1999 only on humanitarian grounds, to enable him to get orders from the higher authorities. The appellant has produced no material before us, evidencing either sanction of the post held him or the approval of his appointment by the Government. In the absence of any such material, the appellant cannot be allowed to continue in service.

6. Further the learned single Judge while dismissing writ petition with a liberty to the appellant to file appeal under Section 80 of the A. P. Education Act, 1982 within a period of four weeks from the date of the order, directed to maintain status quo during the said period.

7. In the above facts and circumstances of the case, we do not find any reason to interfere with the impugned order of the learned single Judge and the writ appeal is accordingly dismissed. No costs.

T.MEENAKUMARI,J

S.ANANDA REDDY,J

AVS/TJS

DATE:02.02.2005

To.

1. State of Andhra Pradesh, represented by its Principal Secretary, Education Department, Hyderabad.

2. Commissioner of Collegiate Education, Government of Andhra Pradesh, Nampally, Hyderabad.

3. Sri Sarvodaya College, represented by its correspondent, Nellore.

4. Two C.Ds. to G.P. for Education, A.P. High Court Buildings (O.U.T.).

5. Two C.D. copies.